

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,

Plaintiff,

v.

TRI-STATE CONSTRUCTION INC,

Defendant.

C13-1901 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's Motion for Summary Judgment Regarding Indemnity for \$31,160 of Costs and Expenses Above Settlement, docket no. 64, is DENIED. The party seeking recovery of attorney fees as damages bears the burden of presenting evidence as to the reasonableness of the amount of fees claimed. *Jacob's Meadow Owners Ass'n v. Plateau 44 II, LLC*, 162 P.3d 1153, 1164 (Wash. Ct. App. 2007). Plaintiff concedes that it must submit evidence to determine if the \$31,160 represents a reasonable sum. Plaintiff's Reply, docket no. 67 at 1-2. Travelers has presented no evidence as to whether the claimed fees and costs are reasonable, and thus, a genuine issue of material fact remains. The Court also concludes that expert testimony is not required to prove the reasonableness of the fees and costs claimed by Travelers.

(2) The Court schedules a telephonic status conference for Thursday, February 12, 2015, at 2:30 p.m. to determine how to address the remaining issues in the case.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

1 Dated this 4th day of February, 2015.

2 William M. McCool
3 Clerk

4 s/Claudia Hawney
5 Deputy Clerk